IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Crl. Rev. Pet. No. 198 of 2007

CRA. 479/2004 of ADDITIONAL SESSIONS COURT (ADHOC)-1 , MANJERI.
CC. 23/2004 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

.....

REVN. PETITIONER/APPELLANT/ACCUSED

MANNARTHODI BALAKRISHNAN,
S/O. THATTAN CHANDRAPPAN,
MANNARTHODI HOUSE, MORAYUR P.O,
MALAPPURAM DISTRICT.

BY ADV. SRI. P. SAMSUDIN

RESPONDENT/RESPONDENT/COMPLAINANT & STATE
----

1. **M. MOHANKUMAR, S/O. KRISHNAN NAIR,**
   PADMALAYAM, CHEMRAKKATTUR,
   ARECODE (VIA).

2. **STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,**
   ERNAKULAM.

R1 BY ADV. SRI. DEVIDAS. U.K
R2 BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 15 /01 /2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl. R. P. No. 198 of 2007

Dated this 15th day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C. No. 23 of 2004 on the file of the Judicial First Class Magistrate's Court No. II, Manjeri. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court under Section 138 of the Negotiable Instruments Act to undergo simple imprisonment for three months and also directed to pay compensation of Rs. 50,000/- to the complainant under Section 357(3) of the Code of Criminal Procedure and in default to undergo simple imprisonment for three months. In appeal filed by him, the conviction was confirmed but sentence was modified by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.655 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under Section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.655 of 2007 and Revision Petition are allowed.

K. HEMA, JUDGE.

vgs.